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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-Section (II)

प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 10 जून, 1993

का.आ. 373(अ).—केन्द्रीय सरकार ने विधि विरुद्ध
क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37)
की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए, नेशनल सोशलिस्ट काउंसिल आफ नागालैंड
और उसके विभिन्न नेताओं के अधीन उसके सभी गुटों तथा
थिगों को अधिसूचना सं. का. आ. 867 (अ) तारीख
27 नवंबर, 1992 द्वारा विधि विरुद्ध सगम घोषित किया
था,

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का.आ.
916(अ) तारीख 27 दिसंबर, 1992 द्वारा विधि विरुद्ध

क्रियाकलाप (निवारण) अधिकरण का गठन किया था, जिसमें
दिल्ली उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री जसपाल सिंह
थे;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की
उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त
अधिसूचना को 22 दिसंबर, 1992 को इस बात के न्याय-
निर्णयन के प्रयोजन के लिए उक्त अधिकरण को निर्विष्ट
किया था कि क्या उक्त संगमों को विधि विरुद्ध घोषित करने
के लिए पर्याप्त कारण था अथवा नहीं;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4
की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
अधिसूचना सं. का.आ. 867(अ) तारीख 27 नवंबर,
1992 में की गई घोषणा की पुष्टि करते हुए, तारीख 24 मई,
1993 को एक आदेश किया था;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त आदेश को प्रकाशित करती है।

[फा. सं. 8/13/92-ए.ए. ई.-I]

बी. पी. सिंह, संपूर्ण सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th June, 1993

S.O. 373(E).—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared the National Socialist Council of Nagaland, and all its factions and wings thereof under various leaders to be Unlawful Associations vide Notification S.O. No. 867(E) dated the 27th November, 1992;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted, vide notification of the Government of India in the Ministry of Home Affairs S.O. No. 916 (E) dated the 21st December, 1992, the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice Jaspal Singh, Judge of the Delhi High Court;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 22nd December, 1992 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said associations as unlawful;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an Order on the 24th May, 1993 confirming the declaration made in the notification S.O. No. 867(E) dated the 27th November, 1992;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order; namely:—

[F.No. 8/13/92-NE-I]

B.P. SINGH, Jt. Secy.

“REPORT OF THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL (CONSISTING OF HON'BLE MR. JUSTICE JASPAL SINGH, JUDGE DELHI HIGH COURT)

By Notification published on November 27, 1992 in the Gazette of India; extraordinary the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities

(Prevention) Act, 1967 (hereinafter called the Act) declared the National Socialist Council of Nagaland (hereinafter referred to as NSCN) including its factions and wings as 'Unlawful Association'. This was done on the ground that the N.S.C.N. has been declaring as its objective the establishment of a Sovereign Nagaland by seceding from India and has been engaging in activities intended to disrupt the sovereignty and integrity of India. The Notification in question also states that in pursuance of its objective the N.S.C.N. has been indulging in violence and has been unleashing a reign of terror thereby undermining the authority of the lawfully established Government. It further claims that the violent activities included ambushing and attacking on posts, petrols and personnel of the security forces and the police with a view to inflicting casualties and snatching of arms and ammunition and that the N.S.C.N. has also been looting and robbing Government treasuries, nationalised banks and other commercial establishments besides resorting to killing of persons opposed to their interest or suspected to be informers of the society, forces or the police. It is further stated that the N.S.C.N. has also been extorting funds, collecting rations and enlisting new recruits.

Consequent upon the Notification referred to above, this reference has been made under the provisions of sub-section (1) of Section 4 of the Act.

Although notices were issued and served upon the N.S.C.N. in accordance with sub-section (2) of Section 4 of the Act none has put in appearance on its behalf nor any cause has been shown by it or on its behalf. However, the Central Government has been represented.

The Central Government in support of the Notification has placed on the record three affidavits besides oral and documentary evidence. The affidavits are of a Director in the Ministry of Home Affairs, a Joint Secretary to the Government of Manipur and a Secretary to the Government of Arunachal Pradesh. The oral evidence comprises of the two statements. The first witness is a Joint Secretary in the Government of Manipur while the second is a Superintendent of Police, Government of Manipur. With regard to documentary evidence number of documents have been placed on the record. Special reference in this connection may be made to documents Ex. PW 2/1 to Ex. PW 2/83.

From the evidence placed on the record it is clearly borne out that the N.S.C.N. has as its objective the establishment of a sovereign Nagaland by seceding from India and that with a view to achieve that objective it is pursuing, the path of violence and in the process has unleashed a reign of terror. The N.S.C.N. has formed a parallel Government, called

the Government of Peoples' Republic of Nagaland and even Ministers of that Government have been appointed. The Ministers of this so-called Government have been circulating seditious material openly advocating for the independence and sovereignty of Nagaland. In this respect reference in particular may be made to pamphlet Ex. PW 2/45 circulated under the caption "Nagaland for Christ" and to statements Ex. PW 2/46 and Ex. PW 2/49. Reference may also be made to Ex. PW 2/48 which is a pamphlet under the caption "Voice of the People" and to yet another leaflet (Ex. PW 2/50) which is being freely circulated and which bears the caption "A call for a new Nagaland".

The First Information Reports, copies of which are Ext. PW 2/2 to Ex. PW 2/40 and Ext. PW 2/52 to Ex. PW 2/79 and the lists Exts. PW 2/41, PW 2/42, PW 2/43, PW 2/52 and Ex. PW 2/80 to Ex. PW 2/82 bear testimony to the violent activities of the N.S.C.N. and to such of its activities which are clearly intended

to disrupt the sovereignty and integrity of India and which tend to undermine the authority of the lawfully established government.

From the evidence placed on the record it is further borne out that with the passage of time the insurgency has been on the increase and that the N.S.C.N. has been openly advocating and practising separatism and is following secessionist policies.

In view of the evidence on the record I am satisfied that there was sufficient cause for declaring the N.S.C.N. to be unlawful association by Notification No. S.O. 867(E) dated November 27, 1992 under sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967. Consequently, the declaration made by the Central Government in the said Notification is hereby confirmed."

Sd/-

JASPAL SINGH
TRIBUNAL

May 24, 1993.

